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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/521,308	03/09/2000	Bruce A. Fairman	50N3545/1309	2383

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EXAMINER

BANANKHAH, MAJID A

ART UNIT PAPER NUMBER

2156

DATE MAILED: 04/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/521,308

Applicant(s)  
Fairman et al.

Examiner  
Majid A. Banankhah

Art Unit  
2151



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1) ☒ Responsive to communication(s) filed on Mar 9, 2000

2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

## Disposition of Claims

4) ☒ Claim(s) 1-42 is/are pending in the applica

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from considera

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☒ Claim(s) 1-42 is/are rejected.

7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirem

## Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some\* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

15) ☐ Notice of References Cited (PTO-892)

18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

19) ☐ Notice of Informal Patent Application (PTO-152)

17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_

20) ☐ Other:

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1. This office action in response to application filed on march 09, 2000. Claims 1-42 are presented for examination.

2. Applicants are requested to note PTO-948 concerning notice of draftsman's patent drawing review. However, correction of the noted defect can be deferred until the application is allowed by the examiner. Applicants are reminded of the provision of MEP. 608.02(q) and (r) regarding a separate letter to the chief Draftsman.

3. Claims 1-42 are rejected under 35 U.S.C. § 103 as being unpatentable over Cidon et al. (U.S.Pat No. 5,446,737) in view of Bauer et al. (U.S.Pat No. 5,819,047).

The reference of Cidon et al. teaches of:

- utilizing resources (determining shared resource access, col. 1, lines 57-68, continued on col. 2, lines 1-8);
- an allocation manager to handle requested process (managing access allocation, col. 1, lines 45-53, and Fig.3, element 36);
- a processor for controlling allocation manager (Fig.3, element 42 [allocate predetermined quota to given node with zero stored request]).

The reference of Cidon fails to explicitly teach of

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"resource characterization". However, the reference of Bauer, in the same field of endeavor teaches of uses a method for controlling resource usage by network identities and by controlling usage by determining the amount of resource that is in use by a user and the amount that is requested (See Abst. Also col. 2, lines 56-68, continued on col. 3, lines 1-5). It would have been obvious for one ordinary skill in the art at the time the invention was made to use "controlling resource usage" of Bauer into "Dynamic allocation of shared resource" of Cidon for the reason to have a control over the usage of the resource also in order to prevent network usage exceed assigned consumption quotas.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Maid A.**

**Banankhah** whose voice telephone number is (703) 308-6903. A voice mail service is also available at this number.

All response sent to U.S. Mail should be mailed to:

**Commissioner of Patent and Trademarks**

**Washington, D.C. 20231**

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**Hand-delivered responses should be brought to Crystal Park Two, 2021 Crystal Drive, Arlington. VA, Six Floor (Receptionist).** All hand-delivered responses will be handled and entered by the docketing personnel. Please do not hand deliver responses to the Examiner.

**All Formal or Official Faxes must be signed and sent to either (703) 308-9051 or (703) 308-9052.** Official faxes will be handled and entered by the docketing personnel. The date of entry will correspond to the actual FAX reception date unless that date is a Saturday, Sunday, or a Federal Holiday within the District of Columbia, in which case the official date of receipt will be the next business day. The application file will be promptly forwarded to the Examiner unless the application file must be sent to another area of the office, e.g., Finance Division for fee charging, etc.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

Maid Banankhah

April 22, 2002

**MAJID BANANKHAH**  
**PRIMARY EXAMINER**